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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/745,170	12/20/2000	Emil M. Georgiev	08CY05920	9300

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GEAM - CYCOLOY
IP LEGAL
ONE PLASTICS AVENUE
PITTSFIELD, MA 01201-3697

EXAMINER

WOODWARD, ANA LUCRECIA

ART UNIT	PAPER NUMBER
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1711

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/745,170

Applicant(s)

GEORGIEV ET AL.

Examiner

Ana L. Woodward

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on February 23, 2001; March 3, 2004
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final. March 28, 2005, January 17, 2006
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-18 is/are pending in the application.
- 4a) Of the above claim(s) 1,2,4 is/are withdrawn from consideration.
- 5) ☐ Claim(s) 3 and 6-18 is/are allowed.
- 6) ☒ Claim(s) 3 and 6-18 is/are rejected.
- 7) ☐ Claim(s) 3 and 6-18 is/are objected to.
- 8) ☐ Claim(s) 3 and 6-18 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. .
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 2/23/01, 1/17/06
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other:

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Group IV in the reply filed on March 3, 2004 and resubmitted on March 28, 2005 is acknowledged. The traversal is on the ground(s) that the additional searching required for all groups is not unduly burdensome. This is not found persuasive because contrary to applicants' contention, the search fields for the various group inventions are not co-extensive. Furthermore, applicants have not submitted or identified such evidence now of record showing the species to be obvious variants or clearly admitted on the record that this is the case.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 1, 2 and 4 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected group, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on March 3, 2004 and resubmitted on March 28, 2005.

Claim Rejections - 35 USC § 112

3. Claims 3 and 6-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 3, 11 and 18, the metes and bounds of "vinyl aromatic graft copolymer" are indeterminate in scope. In this regard, it is unclear as to whether such refers to a vinyl aromatic polymer having an unspecified moiety grafted thereto or to an unspecified polymer having vinyl aromatic moiety grafted thereto.

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It is unclear if or how claim 6 is limited by the narrower recitation "more preferably from 1 to 5" (per claim 4).

In claims 7 and 15, item (c), it is unclear if or how the objectionable term "general" limits the depicted formula.

In claim 12, no distinction can be seen between the additional "thermoplastic resin" and the polyimide component.

In claim 13, it is unclear if or how the narrower recitation "more preferably from 1 to 5" limits the antecedently recited broader limitation.

Claim Rejections - 35 USC § 102/103

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3 and 6-18 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Japanese 7-196872.

JP '872 discloses flame-resistant resin composition comprising (A) 1-99 pbw polycarbonate, corresponding to same component presently claimed, (B) 99-1 pbw graft

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copolymer, e.g., ABS, reading on vinyl aromatic graft copolymer presently claimed, (C) 1-20 pbw phosphoric ester-type compound, reading on presently claimed organophosphorus compound, and (D) 0.1-20 pbw siloxane polyetherimide, reading on presently claimed polyimide compound. See examples and claims.

The disclosure of the reference meets the requirements of the present claims both with respect to the types of materials added and their contents. The onus is shifted to applicants to establish that the product of the present claims is not the same as or obvious from that set forth by the reference.

It is noted that the siloxane polyetherimide used is derived from a diamine component containing 20-50 mole % siloxane diamine and 50-80 mole% of other diamine, thus meeting the structural requirements per claims 7 and 15 (see [0050] of machine translation).

7. Claims 3 and 6-18 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Japanese 7-109412.

JP '412 discloses flame-retardant resin compositions comprising (A) 100 pbw polycarbonate, corresponding to same component presently claimed, (B) 0.05-5 pbw polyetherimide, reading on presently claimed polyimide compound and (C) 0.1-30 pbw phosphorus compound, reading on presently claimed organophosphorus compound. Furthermore a graft copolymer, reading on vinyl aromatic graft copolymer presently claimed, can be admixed with the polycarbonate resin. See examples and claims.

The disclosure of the reference meets the requirements of the present claims both with respect to the types of materials added and their contents. The onus is shifted to applicants to

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establish that the product of the present claims is not the same as or obvious from that set forth by the reference.

8. Claims 3, 6, 11-14 and 18 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Japanese 9-67512.

JP '512 discloses flame-retarding resin compositions comprising 100 parts by weight of a mixture comprising (A) 0.5-70 weight percent of an imidated copolymer, reading on presently claimed polyimide compound, (B) 1-98.5 weight percent polycarbonate, corresponding to same component presently claimed, (C) 1-50 weight percent graft copolymer, e.g., ABS, reading on vinyl aromatic graft copolymer presently claimed, and (D) 1 to 50 parts by weight of phosphorus compound, reading on presently claimed organophosphorus compound. See examples and claims.

The disclosure of the reference meets the requirements of the present claims both with respect to the types of materials added and their contents. The onus is shifted to applicants to establish that the product of the present claims is not the same as or obvious from that set forth by the reference.

9. Claims 3, 6, 11-14 and 18 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over U.S. 5,272,193 (Fuhr et al).

Fuhr et al disclose flame-retarding resin compositions comprising (A) 40 to 90 pbw of an aromatic polycarbonate, corresponding to same component presently claimed, (B) 1 to 25 pbw of a graft copolymer, reading on vinyl aromatic graft copolymer presently claimed, (C) 1 to 30 pbw or a phosphoric acid ester, reading on presently claimed organophosphorus compound and (D) 1

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to 30 pbw of an anti-dripping agent inclusive of polyamides and polyimideamides, the latter reading on presently claimed polyimide compound. See abstract, claims, etc.

The disclosure of the reference meets the requirements of the present claims both with respect to the types of materials added and their contents. It is maintained that one having ordinary skill in the art would have immediately envisaged polyimideamides from the small genus defining the reference's anti-dripping agent. The onus is shifted to applicants to establish that the product of the present claims is not the same as or obvious from that set forth by the reference.

Claim Rejections - 35 USC § 103

10. Claims 7-10 and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese 9-67512, described hereinabove.

It is within the scope of the reference invention to further incorporate thermoplastics, such as polyetherimide, reading on the presently claimed polyetherimide component (see [0022] of machine translation). Accordingly, absent evidence of unusual or unexpected results, no patentability can be seen in the presently claimed subject matter.

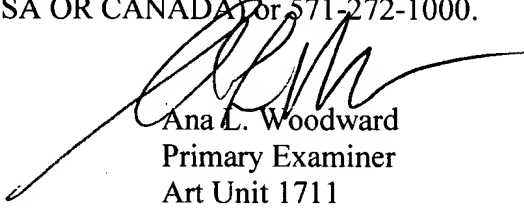
Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ana L. Woodward whose telephone number is (571) 272-1082. The examiner can normally be reached on Monday-Friday (8:30-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James J. Seidleck can be reached on (571) 272-1078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Ana L. Woodward
Primary Examiner
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